



B 151-- Affidavit of Service of Summons or Subpoena: Personal or Alternative Methods: Corp. or Ind.; Military Service, 10 pt. type, 1-95

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COURT UNITED STATES DISTRICT COURT  
COUNTY OF EASTERN DISTRICT OF NEW YORK  
CAPITAL ONE, NATIONAL ASSOCIATION,

Index No. CV11-1526

**AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)**  
SEE ATTACHED RIDER

against  
ALROSE PEPPERTREE L.L.C., ET AL.,

Plaintiff(s)

Defendant(s)

STATE OF NEW YORK, COUNTY OF ALBANY

SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at ALBANY, NEW YORK

That on 5/4/11 at 1:50 P.M., at BUILDING 9, W.A. HARRIMAN CAMPUS, ALBANY, NEW YORK  
deponent served the within summons, and complaint on  
SEE ATTACHED RIDER NEW YORK STATE DEPARTMENT OF TAXATION defendant therein named,  
AND FINANCE  
ATTN: OFFICE OF COUNSEL

## INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

## CORPORATION

2. ☒

a DOMESTIC corporation, by delivering thereat a true copy of each to CHRISTINE NORUICI  
personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and  
knew said individual to be MANAGING AGENT thereof.

## SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age  
and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

## AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—  
usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age  
and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to  
defendant at defendant's last known residence, at and deposited  
said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly  
addressed to defendant at defendant's actual place of business, at  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore  
the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the  
communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3☒

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input checked="" type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input checked="" type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE RE  
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional  
legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any  
capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of  
my information and the grounds of my belief are the conversations and observations above narrated. Upon information and  
belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either  
the State or in the Federal statutes.

Sworn to before me on

5/4/11

*Ruth A. Dennehey*  
RUTH A. DENNEHEY

Notary Public-State of New York  
Albany County No. 4729775

Commission Expires 11-30-

2014

PRINT NAME: DIANE ALLEN SWOTA

DIANE ALLEN-SWOTA

License No. ....

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CAPITAL ONE, NATIONAL ASSOCIATION

Index No.  
CV11-1526

Plaintiffs,

v.

RIDER TO AFFIDAVIT  
OF SERVICE

ALROSE PEPPERTREE L.L.C., ET AL.,

Defendants.  
-----X

LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- COMPLAINT FOR FORECLOSURE OF MORTGAGES AND  
ENFORCEMENT OF GUARANTY
- NOTICE OF PENDENCY OF FORECLOSURE ACTION
- CIVIL COVER SHEET